

**From:** Ben Watson  
**Sent:** Tuesday, March 08, 2016 8:29 AM  
**To:** Susanna Moldoveanu  
**Subject:** FW: PTO 205 - consolidated motion to seal

**Benjamin M. (Ben) Watson**  
**Butler Snow LLP**

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**From:** Ben Watson  
**Sent:** Friday, March 04, 2016 1:07 PM  
**To:** 'Renee Baggett'; Bryan Aylstock  
**Cc:** Tom P. Cartmell ([tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)); Betsy Williams; Christy Jones; Donna Jacobs  
**Subject:** RE: PTO 205 - consolidated motion to seal

Renee: Thank you for sending the spreadsheet. However, with 9,267 documents listed that you “may” use, it is impossible for us to meaningfully review these before the deadline on Wednesday to file any motion to seal. Clearly, you are not going to file anywhere near 9,267 documents in support of your motions. Accordingly, in order to avoid burdening the Court with this issue, we ask that you please pare down this spreadsheet to a reasonable number of documents as soon as possible. Otherwise, we are going to need more time to get through these documents. We have always been able to work through the confidentiality issues and I’m confident that we can continue to do so.

Thanks.

**Benjamin M. (Ben) Watson**  
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**From:** Renee Baggett [<mailto:RBaggett@awkolaw.com>]  
**Sent:** Thursday, March 03, 2016 5:53 PM  
**To:** Ben Watson; Bryan Aylstock  
**Cc:** Tom P. Cartmell ([tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)); Betsy Williams  
**Subject:** RE: PTO 205 - consolidated motion to seal

Hi Ben.

Sorry for the delay. Attached is a grid of documents we may use as exhibits in support of our upcoming motions, responses and replies.

Let us know when you would like to discuss this further.

Thanks.

**From:** Ben Watson [<mailto:Ben.Watson@butlersnow.com>]  
**Sent:** Tuesday, March 1, 2016 3:00 PM  
**To:** Bryan Aylstock  
**Cc:** Tom P. Cartmell ([tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)); Renee Baggett  
**Subject:** RE: PTO 205 - consolidated motion to seal

Bryan,

I am checking back in with you on this. Thanks.

**Benjamin M. (Ben) Watson**  
**Butler Snow LLP**

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**From:** Ben Watson  
**Sent:** Wednesday, February 24, 2016 3:25 PM  
**To:** Bryan Aylstock ([BAylstock@awkolaw.com](mailto:BAylstock@awkolaw.com))  
**Subject:** FW: PTO 205 - consolidated motion to seal

Bryan,

Christy asked me to reach out to you on this. As we have done in the past, if you intend to file Ethicon produced documents in the court record that have a confidentiality designation, please identify them for us so that we can make a decision as to whether we will agree to dedesignate them. Of course, if it is a document that we have previously agreed to dedesignate, we have no problem with your using that document in the open record. Please send me the documents as soon as possible so that we can meet the Court's deadline.

Thanks.

**From:** Bryan Aylstock [<mailto:BAylstock@awkolaw.com>]

**Sent:** Wednesday, February 24, 2016 10:28 AM

**To:** Christy Jones; Donna Jacobs

**Cc:** Anita Modak-Truran; Andy Snowden; Tom P. Cartmell ([tcartmell@wcllp.com](mailto:tcartmell@wcllp.com)); Renee Baggett; Betsy Williams; Christy Hurt

**Subject:** PTO 205 - consolidated motion to seal

Hi Christy and Donna,

Para. 5 of PTO 205 provides:

**5. Confidential Documents.** In the past, the court has permitted parties to file placeholder exhibits in support of *Daubert*, dispositive and other motions, responses and replies in the place of confidential documents that may be sealed and then, within five days, redact/dedesignate the documents or file a motion to seal. Moving forward, the court will no longer permit this practice. Parties may no longer file placeholder exhibits. The court expects leadership counsel for plaintiffs and the Ethicon defendants to resolve issues related to confidential designations well before the filing of motions. Filings containing placeholder exhibits will be struck. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: A consolidated motion to seal is due on or before March 9, 2016, any response is due March 17, 2016 and any reply is due March 24, 2016.

Given that many many documents have now been presented at the various trial, and the Court's view on filing of documents under seal, we do not believe that any of the ethicon documents are confidential or should be filed under seal. Please let us know if you disagree, and to what extent, so that we may meet the Court's deadline for a consolidated motion to seal.

Thanks  
bryan

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